

NOV. 15. 2006 3:24PM EDWARDS LEGAL DEPT. 949-250-6885  
Application Serial No.: 10/114,462  
Amdt. dated November 15, 2006  
Reply to Office Action of October 20, 2006

NO. 3935 P. 5/6

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REMARKS

By way of this amendment, claims 15-25 have been withdrawn in response to the restriction requirement. Claims 2-7, 9-10 and 12 were previously canceled. Accordingly, claims 1, 8, 11, 13, 14 and 26 are now presented for examination on the merits.

Response to Election/Restrictions:

On page 2 of the Office Action, the Examiner required a restriction to one of the following inventions:

- I. Claims 1, 8, 11, 13, 14 and 26, drawn to a surgical assembly, classified in class 623, subclass 2.36.
- II. Claims 15-25, drawn to a surgical method, classified in class 128, subclass 898.

The Examiner asserts that the inventions are distinct because the surgical assembly may be used for gastrointestinal applications. Applicant disagrees with the Examiner's assertion because the assembly claims recite a mitral valve annulus device configured for advancement into a coronary sinus. However, in order to advance prosecution, Applicant has elected Invention I (claims 1, 8, 11, 13, 14 and 26, drawn to a surgical assembly) for prosecution on the merits. Applicant has withdrawn claims 15-25.

Fees Due to File This Amendment

Prior to the pending Office Action, a fee was paid for 20 claims, with 3 of them being independent claims. The aforementioned claim additions and cancellations have not resulted in more than the number of claims originally paid for, and thus no claim fees are believed to be due to file this amendment.

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Conclusion

Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Respectfully submitted,

Date: November 15, 2006



David L. Hauser  
Registration No. 42,643  
EDWARDS LIFESCIENCES LLC  
One Edwards Way  
Legal Department  
Irvine, California 92614  
Telephone: (949) 250-6878  
Facsimile: (949) 250-6850